



**Town of Wilton, NH
Zoning Board of Adjustment
MINUTES**

**Tuesday, May 14, 2024
7 PM
Town Hall Courtroom
42 Main Street**

ATTENDANCE

Board Members Present:

Neil Faiman (chairperson); Joanna Eckstrom (co-chairperson; remote); Andy Hoar; Jeff Stone (remote); Peg Duggan (alternate); Linda Jennings (alternate)

Board Members Absent:

Judith Klinghoffer

Board Secretary:

Caryn Case

Attendees:

Thomas Ryan; Mark Hamon (applicant); Lee Muir-Hamon (applicant); Doug Seppala; Andrew Luongo; Peter Petroules (applicant); Caroline Petroules (applicant); Savanna Levasseur; Tristan Haman; Jason C Bolduc (Meridian Land Services)

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8. Minutes (continued)
 - a. 04.30.2024
9. Adjournment

MINUTES

1. Call to Order

39 Chairman Faiman called the meeting to order at 7:08 p.m.

40

41 Chairman Faiman read the Zoning Board of Adjustment Statement on Masking.

42

43 Chairman Faiman read the Zoning Board of Adjustment Statement on Decisions, Participation, and Rules of
44 Conduct.

45

46 Chairman Faiman introduced the Board members by roll call vote and declared a quorum was present. He
47 announced that two (2) Board members were participating remotely due to concerns that made it
48 impractical for them to participate in-person, and as such, voting would be conducted by roll call.

49

50 Chairman Faiman announced that no new case would commence review after 9:30 p.m., and the Board
51 would terminate the meeting at ten (10) p.m. unless the Board unanimously votes to continue the meeting.

52

53 **2. Minutes**

54 **May 04, 2024**

55 The Board reviewed the site visit minutes of May 4, 2024.

56 An edit was identified in line 57.

57

58 **J Stone MOVED to accept the May 4, 2024, minutes with the edit identified on line 57.**

59 **P Duggan SECONDED.**

60 **Discussion:** None

61 **Roll Call Vote:** J Stone aye
62 A Hoar aye
63 JK Eckstrom abstain
64 P Duggan aye
65 L Jennings aye
66 N Faiman aye

67 **Motion:** Carried 5/0/1

68

69 **3. Election of Officers, 2024 - 2025**

70

71 **JK Eckstrom MOVED to nominate N Faiman to the position of Zoning Board Chairperson for**
72 **the year 2024 through 2025.**

73 **A Hoar SECONDED.**

74 **Discussion:** None

75 **Roll Call Vote:** J Stone aye
76 A Hoar aye
77 JK Eckstrom aye
78 P Duggan aye
79 L Jennings aye

80 N Faiman abstain

81 **Motion:** Carried 5/0/1

82

83 **N Faiman MOVED to nominate JK Eckstrom to the position of Zoning Board Vice-Chairperson**
84 **for the year 2024 through 2025.**

85 **A Hoar SECONDED.**

86 **Discussion:** None

87 **Roll Call Vote:** J Stone aye

88 A Hoar aye

89 JK Eckstrom abstain

90 P Duggan aye

91 L Jennings aye

92 N Faiman aye

93 **Motion:** Carried 5/0/1

94

95 **4. The Clinton & Heidi Wilder Revocable Trust of 2022, Wilson Road**

96 Public Hearing, *continued from a previous meeting*

97 **Case #04/09/2024-01**

98 The Clinton & Wilder Revocable Trust of 2022 has requested a special exception under section
99 11.4(a) of the Wilton Zoning Ordinance to allow a driveway to cross a wetland area to access a
100 buildable area at the rear of the property on Lot D-133-2, Wilson Road.

101

102 Chairman Faiman opened the hearing by reading the applicant's request for a special exception.

103 Chairman identified the voting Board: Jeff Stone, Andy Hoar, Peg Duggan, Linda Jennings, and Neil Faiman.

104 Jason Bolduc, representing Clinton & Heidi Wilder (the applicants), advised the Board that the Wetlands Permit-
105 By-Notification and Non-Site-Specific Permit 2024-00737 had been issued subject to project-specific conditions
106 outlined in the approval letter dated March 29, 2024, and submitted to the Board at the meeting. (see Exhibit A)

107

108 Chairman Faiman summarized the facts of the applicant's request based on testimony, plans submitted by the
109 applicant's engineer, and the site visit on May 4, 2024. He stated (1) the lot has an area of about two (2) acres,
110 (2) the north side of the lot fronts on Wilson Road for approximately 290 feet, (3) the lot is bisected from east to
111 west by a wetlands area, (4) there is a gap between the western edge of the wetlands area and the western
112 edge of the lot which is about 20 feet at its narrowest point, (5) the lot has an unusable building envelopes as
113 determined by lot line and wetlands setbacks, and (6) the applicant proposes to cross the wetlands at its
114 narrowest point with a total disturbance of approximately 595 square feet.

115

116 **P Duggan MOVED to close the public hearing for the Board to deliberate.**

117 **L Jennings SECONDED.**

118 **Discussion:** None

119 **Roll Call Vote:** J Stone aye
120 A Hoar aye
121 P Duggan aye
122 L Jennings aye
123 N Faiman aye

124 **Motion:** Carried 5/0/0

125

126 Andy Hoar remarked that the wetlands crossing will have the least amount of impact to the wetlands in the
127 location proposed.

128

129 Peg Duggan helped promote the understanding that the driveway had been re-located to, as well, fulfill
130 driveway requirements.

131

132 **P Duggan MOVED to grant the request for a special exception under section 11.4.(a) of the**
133 **Wilton Zoning Ordinance to allow the driveway to cross the wetland area to access a**
134 **buildable area, south of the wetlands, at the rear of the lot.**

135 **J Stone SECONDED.**

136

137 **A Hoar MOVED to re-open the public hearing.**

138 **J Stone SECONDED.**

139 **Discussion:** None

140 **Roll Call Vote:** J Stone aye
141 A Hoar aye
142 P Duggan aye
143 L Jennings aye
144 N Faiman aye

145 **Motion:** Carried 5/0/0

146

147 Chairman Faiman opened the discussion to attendees for any additional review and comment. There was
148 none. In review, he noted (1) it was practical to build behind the wetlands instead of building in front of
149 them, (2) it was practical to pass through the wetlands than to create a pass to the west which would have
150 a significant impact on the neighboring lot, and (3) it made sense to cross the wetlands at its narrowest
151 point.

152

153 Chairman Faiman called for a vote on the MOTION.

154

155 **Roll Call Vote:** J Stone aye
156 A Hoar aye
157 P Duggan aye
158 L Jennings aye

159 N Faiman aye
160 **Motion:** Carried 5/0/0
161

162 Chairman Faiman added a condition to the approval to cite that the driveway is to be located as shown on the
163 plan labeled "Proposed Wetland Crossing / Map D, Lot 133-02 / Prepared for Cattedog Construction &
164 excavation, LLC / Wilton, NH" and dated March 4, 2024.

165

166 Chairman Faiman stated that the decision would expire if the construction or use permitted by it has not begun
167 by Thursday, May 14, 2026. (Wilton Zoning Ordinance section 17.4) He added that the Select Board, any party to
168 the action or proceedings, or any person directly affected by the decision may apply for a rehearing of the
169 decision. He noted that a request for a rehearing must be filed in writing with the Zoning Board of Adjustment
170 on or before Thursday, June 13, 2024, and must fully specify all grounds on which the rehearing is requested.
171 (N.H. RSA 677:2)

172

173 **5. Minutes**

174 **May 04, 2024 (re-reviewed)**

175 Additional edits were identified on lines 14, 39, and 49.

176

177 **P Duggan MOVED to accept the May 4, 2024, minutes with the additional edits noted on lines**
178 **14, 39, and 49.**

179 **L Jennings SECONDED.**

180 **Discussion:** None

181 **Roll Call Vote:** J Stone aye
182 A Hoar aye
183 JK Eckstrom abstain
184 P Duggan aye
185 L Jennings aye
186 N Faiman aye

187 **Motion:** Carried 5/0/1
188

189 **6. Caroline Petroules, 23 Russell Street**

190 Public Hearing, **NEW**

191 Case #05/14/2024-01

192 Caroline Petroules has requested a variance to section 5.2.3 of the Wilton Zoning Ordinance to
193 allow the installation of an above-ground swimming pool that would be closer to a lot line than
194 allowed by the Ordinance on Lot K-96-1, 23 Russell Street.

195

196 Chairman Faiman opened the hearing by reading the applicant's request for a special exception.

197 Jeff Stone recused himself from the Board.

198

199 Chairman identified the voting Board: Andy Hoar, Joanna Eckstrom, Peg Duggan, Linda Jennings, and Neil
200 Faiman.

201 Caroline Petroules described her dream to put up an above ground swimming pool, adding that pools
202 typically drive-up property values. She said there was not enough area to do this without encroaching into
203 the setback by 3.5 feet. She cited a bulkhead on the house did not permit a location that would reduce that
204 any further.

205

206 Linda Jennings qualified that the pool would be de-constructed in the off season.

207

208 Neil Faiman recalled the dwelling unit required a similar variance for its construction years ago.

209

210 **P Duggan MOVED to close the public hearing for the Board to deliberate.**

211 **L Jennings SECONDED.**

212 **Discussion:** None

213 **Roll Call Vote:** A Hoar aye
214 JK Eckstrom aye
215 P Duggan aye
216 L Jennings aye
217 N Faiman aye

218 **Motion:** Carried 5/0/0

219

220 **JK Eckstrom MOVED to re-open the public hearing to ask the applicant if a fence was required.**

221 **J Stone SECONDED.**

222 **Discussion:** None

223 **Roll Call Vote:** A Hoar aye
224 JK Eckstrom aye
225 P Duggan aye
226 L Jennings aye
227 N Faiman aye

228 **Motion:** Carried 5/0/0

229

230 Peter Petroules said the pool stands 52" high and that a fence was not required, and they had no intent to
231 add a deck. He said access into the pool was by a removable and foldable ladder.

232

233 **P Duggan MOVED to close the public hearing for the Board to deliberate.**

234 **A Hoar SECONDED.**

235 **Discussion:** None

236 **Roll Call Vote:** A Hoar aye
237 JK Eckstrom aye
238 P Duggan aye
239 L Jennings aye
240 N Faiman aye
241 **Motion:** Carried 5/0/0
242

243 Chairman Faiman summarized the facts of the applicant’s request based on testimony, the site plan, and his
244 personal familiarity with the property. He stated (1) the lot area is 7,739 square feet and is located at the
245 southeast corner of Maple Street and Russell Street with approximately 106 feet and 62 feet of frontage
246 respectively, (2) the house is located near the southerly lot line, a wooded buffer is located to the east, and the
247 driveway and lawn are located to the north, and (3) the nine (9) foot by 18 foot temporary swimming pool is
248 proposed to be located in the lawn area to the north, 31 feet from Maple Street, accessed by a removable and
249 foldable ladder, does not require a fence, and would not be surrounded by a deck. He indicated that despite the
250 pre-existing, non-conforming lot being substantially undersized, the placement of the proposed pool still leaves
251 a considerable amount of green space and does not create a sense of congestion or visibility issues at the
252 corner. The impingement on the setback does not adversely affect the abutters, the character of the
253 neighborhood, or the public health, safety, or welfare. He said a pool is not inconsistent with the character of
254 the neighborhood, and that strict enforcement of the Zoning Ordinance would impose an inconvenience on the
255 applicant with no corresponding benefit to the public.

256 **A Hoar MOVED to grant the request for a variance to section 5.2.3 of the Wilton Zoning**
257 **Ordinance to allow the installation of an above-ground swimming pool that would be closer**
258 **to a lot line than allowed.**
259 **L Jennings SECONDED.**
260

261 **L Jennings MOVED to re-open the public hearing.**
262 **P Duggan SECONDED.**

263 **Discussion:** None
264 **Roll Call Vote:** A Hoar aye
265 JK Eckstrom aye
266 P Duggan aye
267 L Jennings aye
268 N Faiman aye
269 **Motion:** Carried 5/0/0
270

271 Chairman Faiman opened the discussion to attendees for any additional review and comment. There was
272 none.

273
274 Chairman Faiman called for a vote on the MOTION.

275
276 **Roll Call Vote:** A Hoar aye

277 JK Eckstrom aye
278 P Duggan aye
279 L Jennings aye
280 N Faiman aye
281 **Motion:** Carried 5/0/0
282

283 Chairman Faiman the decision would expire if the construction or use permitted by it has not begun by
284 Thursday, May 14, 2026. (Wilton Zoning Ordinance section 17.4) He added that the Select Board, any party to
285 the action or proceedings, or any person directly affected by the decision may apply for a rehearing of the
286 decision. He noted that a request for a rehearing must be filed in writing with the Zoning Board of Adjustment
287 on or before Thursday, June 13, 2024, and must fully specify all grounds on which the rehearing is requested.
288 (N.H. RSA 677:2) He stated that in the absence of such a request, after 30 days the decision would be final
289 and there would be no risk to the applicant's proposed use.
290

291 **7. Mark Hamon & Lee Muir-Hamon, 369 Gibbons Highway**

292 Public Hearing, **NEW**
293 Case 5/14/2024-02

294 Mark Hamon and Lee Muir-Haman have requested variances to sections 8.1 and 8.5 of the Wilton
295 Zoning Ordinance to allow the construction of a single-family dwelling on Lot F-024, 369 Gibbons
296 Highway, where residential uses are not permitted in the Industrial District.

297
298 Chairman Faiman opened the hearing by reading the applicant's request for a special exception.

299 Chairman identified the voting Board: Jeff Stone, Andy Hoar, Joanna Eckstrom, Linda Jennings, and Neil Faiman.

300
301 Mark Hamon identified himself, and his wife, Lee Muir-Hamon, as the property owners and read from a
302 prepared statement, submitted with the application, to describe his family's intent. He added that the
303 previous property owner, Richard L Sharkey, had requested similar variances that were approved, implying
304 his request was not unreasonable.

305
306 Andy Hoar stated there was not enough information submitted with the application to understand the
307 request and several other Board members agreed.

308
309 Neil Faiman said it was not initially clear what the request was for. He eventually reasoned the request was
310 for a change of use on lot F-024 and not about F-023 being land locked.

311
312 Tristan Haman confirmed that Neil Faiman was correct. He said he lives in the old farmhouse on lot F-023
313 which he accesses from a driveway on lot F-024. He said lot F-024 has about 700 feet of frontage on
314 Gibbons Highway.
315

316 Andy Hoar asked for a site plan showing the driveway and other structures proposed for the lot to evaluate
317 how the general provisions, associated with industry typical to the Industrial District, might be affected
318 should the property ever be sold.

319
320 Savanna Levesseur pointed out that all their neighboring properties are zoned Industrial but in residential
321 use. She added that these neighbors are in favor of the proposal.

322
323 Chairman Faiman got a sense that the Board was uncomfortable continuing the discussion without
324 additional information. That information being a site plan and site visit.

325
326 **A Hoar MOVED to schedule a site visit for Saturday, June 8, 2024, at 9 a.m., and to continue**
327 **the public hearing to June 11, 2024.**

328 **L Jennings SECONDED.**

329 **Discussion:** None

330 **Roll Call Vote:** J Stone aye
331 A Hoar aye
332 JK Eckstrom aye
333 L Jennings aye
334 N Faiman aye
335 **Motion:** Carried 5/0/0

336
337 **8. Minutes**

338 **April 30, 2024**

339 The Board reviewed the site visit minutes of April 30, 2024.
340 Edits were identified on lines 10, 17, 40, 124,219,239, 319,234, and line 334.

341
342 **L Jennings MOVED to accept the April 30, 2024, minutes with the edits identified on lines 10,**
343 **17, 40, 124,219,239, 319,234, and line 334.**

344 **P Duggan SECONDED.**

345 **Discussion:** None

346 **Roll Call Vote:** J Stone aye
347 A Hoar aye
348 JK Eckstrom aye
349 P Duggan aye
350 L Jennings aye
351 N Faiman aye
352 **Motion:** Carried 6/0/0

353
354 **9. Adjournment**

355
356 **J Stone MOVED to adjourn at 9:13 p.m.**

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358
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368

P Duggan SECONDED.

Discussion: None

Roll Call Vote:	J Stone	aye
	A Hoar	aye
	JK Eckstrom	aye
	P Duggan	aye
	L Jennings	aye
	N Faiman	aye
Motion: Carried		6/0/0

APPROVED: XX.XX.XXXX

DRAFT